

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19275 OF 2024

Shaheen Firoz Tai ...Petitioner

Versus

Shubhan Mohd. Hussein Patel ...Respondent

Mr. Vivek Gupta, through VC, a/w Ms. Ruby Tripathi, for the
Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 5th MAY, 2025

PC:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 30th September, 2024 passed by the learned Civil Judge, Panvel, whereby an application preferred by the defendant for condonation of delay of purportedly 209 days in filing written statement came to be condoned subject to payment of costs of Rs.10,000/- by the defendant to the plaintiff.
3. Mr. Gupta, the learned Counsel for the petitioner, submitted that the application seeking condonation of delay in filing the written statement was not properly verified. Nor the delay was correctly calculated. It was further submitted that the defendant had not ascribed a justifiable reason to

condone the delay and yet the learned Civil Judge has permitted the defendant to file the written statement.

4. I have perused the averments in the application. The defendant has contended that on account of the difficulties faced in the business and want of relevant documents, the written statement could not be drafted and filed within the stipulated period.

5. The suit is instituted for specific performance of contract. The learned Civil Judge was persuaded to exercise the discretion. It cannot be said that the defendant has not ascribed any reason for condonation of delay. As the exercise of discretion to condone the delay, by the learned Civil Judge does not seem to be perverse or unreasonable, this Court in exercise of the supervisory jurisdiction does not find any justifiable reason to interfere with the impugned order.

6. The aspect of inconvenience and delay caused to the petitioner can be taken care of by requesting the learned Civil Judge to hear and decide the suit as expeditiously as possible.

7. The learned Civil Judge is requested to hear and decide the suit as expeditiously as possible and, preferably, within a

period of one year from today or settlement of issues,
whichever is later.

8. Petition stands disposed.

[N. J. JAMADAR, J.]